

## REMARKS

Claims 1-6, 9-12, 15-18, and 21-30 are pending in the present application. By this amendment, claims 1, 3-4, 5-6, 9, 11, and 15-16 are amended, and claims 7-8, 13-14, and 19-20 are canceled without prejudice or disclaimer. Claims 21-30 are added. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

### I. Allowable Subject Matter

Applicants note with much appreciation that claims 9-12 and 15-18 are allowed. It should be noted that claim 9 is amended to recite “a user request” instead of “a user command” to clarify antecedent basis of the term “request” as recited in claim 9. Claim 9 is further amended to recite “a client computer” instead of “the client computer” to correct antecedent basis. Claim 11 is amended to cure grammatical errors in the original recitation. Further, claim 15 is amended to recite “a client computer” instead of “a computer” to clarify antecedent basis of the term “client computer” as recited in claim 15. Claim 15 is further amended to recite “a suggestion” instead of “the suggestion” to correct antecedent basis. Claim 16 is amended to correct the dependency of claim 16 to claim 15 instead of claim 5. No new matter has been added to claims 9, 11, 15, or 16.

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, new independent claim 21 is added including at least the features specified in original claims 1-5, and new independent claim 22 is added including at least the features specified in original claims 1-6 and, thus, both new claims 21 and 22 are in allowable condition.

### II. Claim Objections

Claims 7, 8, 13, 14, 19, and 20 are objected to under 37 CFR §1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim. The Office Action notes that Applicants are required to cancel the claims, amend the claims to place them in proper dependent form, or rewrite the claims in

independent form to cure the objection. Although Applicants respectfully traverse this objection and assert that claims 7, 8, 13, 14, 19, and 20 do further limit the subject matter of the claims for which these claims depend, claims 7, 8, 13, 14, 19, and 20 have been canceled without prejudice or disclaimer to further prosecution. Moreover, new independent claims 23 and 27, which include recitations similar to claims 13 and 14, respectively, are added and, thus, are in allowable condition.

## II. Claim Rejections

### Claim Rejections Under 35 U.S.C. §101

Claims 7, 8, 13, 14, 19, and 20 are rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Although Applicants respectfully traverse this rejection and assert that claims 7, 8, 13, 14, 19, and 20 are directed to statutory subject matter, claims 7, 8, 13, 14, 18, and 19 have been canceled without prejudice or disclaimer to further prosecution. Moreover, new independent claim 23 is added reciting a computer storage medium which, Applicants respectively assert, is a tangible embodiment and, thus, directed to statutory subject matter. New independent claim 27 is also added reciting a system including a memory device and a processor which, Applicants respectively assert, produces a concrete, useful, and tangible result and, thus, is directed to statutory subject matter.

### Claim Rejections Under 35 U.S.C. §102

Claims 1-4 and 7-8 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,516,427 to Keyes et al. (hereinafter “Keyes”). This rejection is respectfully traversed. As noted above, claims 7-8 are canceled without prejudice or disclaimer, rendering this rejection moot with regard to claims 7-8.

As amended, claim 1 recites that a method for providing and executing a diagnostics module in direct response to a user request comprises retrieving a control object from a diagnostics server computer; and storing at a client computer the control object operative to retrieve the diagnostics module in response to the user request, to store the diagnostics module at the client computer, to determine whether execution of

the diagnostics module is authorized and, in response to determining that execution of the diagnostics module is authorized, to execute the diagnostics module.

Keyes does not teach or suggest a method for providing and executing a diagnostics module in direct response to a user request as recited by claim 1. On the contrary, Keyes describes a method for remotely diagnosing malfunctions of a peripheral device including sending a request message from an event registration and detection routine running on a CPU of a peripheral device to a remote diagnostic device (RDD) and receiving, at the peripheral device, either a request message from the RDD to run a resident diagnostic routine, an executable diagnostic subroutine from the RDD to be run by the event registration and detection routine of the peripheral device, or a request from the RDD asking the peripheral device to try again after some time has passed. Keyes describes that the event registration and detection routine running on the peripheral device may be already loaded into memory of the peripheral device or may be incorporated into a memory media device, which as illustrated in Figure 1 is a floppy disk or CDROM, for loading on the peripheral device.

This is not analogous to the method recited by claim 1 because Keyes fails to teach or suggest retrieving the event registration and detection routine from the RDD. Instead, Keyes describes that the event registration and detection routine is either already loaded into the memory of the peripheral device or incorporated into a memory media device, such as a floppy disk or CDROM, for loading on the peripheral device, without suggesting that the routine is provided to the peripheral device by the RDD.

For at least the reasons given above, claim 1 is allowable over Keyes. Since claims 2-4 depend from claim 1 and recite further claim features, Applicants respectfully submit that Keyes does not anticipate Applicants' claimed invention as embodied in claims 2-4. Accordingly, withdrawal of these rejections is respectfully requested.

### III. New Claims 21-30

New claims 21-30 are directed to further embodiments of Applicants' claimed invention. Support for new claims 21-30 may be found at least at page 17, line 8 through page 23, line 3 of the specification.

Applicants respectfully submit that new claims 21 and 22 are allowable over the

art of record because claim 21 includes the recitations of claims 1-5, designated by the Office Action as allowable subject matter, and claim 22 includes the recitations of claims 1-6, designated by the Office Action as allowable subject matter. New claims 23-26 and 27-30 are allowable over the art of record for at least the reasons why claims 9-12 are allowable over the art of record.

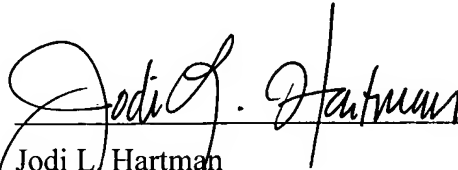
### CONCLUSION

For at least these reasons, Applicants assert that the pending claims 1-6, 9-12, 15-18, and 21-30 are in condition for allowance. Applicants further assert that this response addresses each and every point of the Office Action, and respectfully request that the Examiner pass this application with claims 1-6, 9-12, 15-18, and 21-30 to allowance. Should the Examiner have any questions, please contact Applicants' attorney at 404.522.1100.

Respectfully submitted,

HOPE BALDAUFF HARTMAN, LLC

Date: August 22, 2006

  
Jodi L. Hartman  
Reg. No. 55,251

Hope Baldauff Hartman, LLC  
P.O. Box 2825  
Atlanta, Georgia 30301  
Telephone: 404.522.1100

